

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JANET M. BUTLER
Plaintiff(s)

v.

CIVIL ACTION NO. 04-11971-GAO

MARK S. BEATON, ET AL
Defendant(s)

JUDGMENT IN A CIVIL CASE

O'TOOLE, D.J.

G Jury Verdict. This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by the Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

As per the Court's Order, dated 1/3/05,

"Pursuant to Massachusetts General Laws Chapter 249, Section 4, it is ORDERED and ADJUDGED that the decision of the Kingston Board of Selectmen removing plaintiff Janet Butler be quashed as arbitrary and capricious, and that Butler shall accordingly resume her position as an alternate member of the Kingston Zoning Board of Appeals." Accordingly, summary judgment is granted in the plaintiff's favor as to count 1 of the complaint. Judgment is granted in the defendants' favor as to count 3 of the complaint. The parties shall bear their own costs and fees.

Pursuant to a Stipulation of Dismissal submitted by counsel, dated 12/29/04, Counts 2 and 4 of the plaintiff's complaint against all above captioned defendants, be dismissed with prejudice and without costs. All rights of appeal are waived

TONY ANASTAS,
CLERK OF COURT

Dated: 1/4/05

By Paul S. Lyness
Deputy Clerk

[jgm.]